

Subject: TRANSFER OF LIST ELIGIBILITY (TOE)

REFERENCES	SECTIONS
Human Resources Policy Memos http://www.ohr.dgs.ca.gov/HRMemos/default.htm	HR 03-002 is rescinded
Law & Regulation http://www.dpa.ca.gov/statesys/dpa/laws.htm http://www.dpa.ca.gov/statesys/dpa/oalrules.htm	GC: 18950, 18902, 18532-18533 Rule: 154, 240, 241
Responsible Control Agency and Program	State Personnel Board
Selection Manual (Old)	6915
Other:	
Memo to All On-Line Exam/Cert Users and Exam Supervisors/Managers; from SPB	http://www.documents.dgs.ca.gov/ohr/pom/SPBTOEclarification4-26-05.pdf

Transfer of List Eligibility (TOE)

Policy

It is the policy of the DGS that transfer of list eligibility is discretionary and applicable for the following:

DGS Employee

- Open List
 - ✓ Employee must be reachable (Rank 1, 2, or 3) on the “from” department’s list and the DGS list upon transfer
 - ✓ Employee must have a job offer
- Promotional List
 - ✓ Employee must complete probation (refer to POM section on [Short Term Appointment](#))
 - ✓ Employee does not have to be in a reachable rank on the “from” department’s list and does not have to have a job offer

Non-DGS Employee

- Open and Promotion Lists
 - ✓ State employee must be reachable on the “from” department’s list and the DGS list upon transfer
 - ✓ Employee must have a job offer

Transfer of list eligibility is appropriate if it is the same classification and the DGS concurs with the transfer. Transfers can only be made from promotional lists to promotional lists and from open lists to open lists. Transfer of list eligibility between promotional and open lists is prohibited. As the receiving department, the DGS will determine if the examinations are similar in complexity and subject matter.

Employees with promotional list eligibility who move from one agency or subdivision to another agency or subdivision without a break in service may transfer such promotional list eligibility to the appropriate promotional list of the new agency or subdivision if such list was established as a result of an examination for the same subject matter and with the same education and experience admittance requirements (Rule 154).

Purpose

The ability to transfer list eligibility may reduce unnecessary examining and offer additional employment opportunities for the eligible candidates.

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Transfer of List Eligibility (TOE), Continued

SPB regulations

Employees with promotional list eligibility who move from one agency or subdivision to another agency or subdivision without a break in service may transfer such promotional list eligibility to the appropriate promotional list of the new agency or subdivision if such list was established as a result of an examination for the same subject matter and with the same education and experience admittance requirements (Rule 154).

An employee who reenters State service in a new agency or subdivision within six months after a resignation and who, had s/he returned to the former agency or subdivision, would have been eligible for certification from a promotional list under the provisions of Rule 240, may apply to have eligibility transferred to the appropriate list or lists of the new agency or subdivision under the provisions of this rule.

Additionally:

1. transfer of list eligibility is determined by the DGS C&P Analyst **and** the Selections Unit Manager
2. the employee/candidate completes DGS' transfer form
3. the receiving department (DGS) determines the compatibility of the examinations
4. if the employee/candidate has eligibility on a DGS list and wants to transfer his/her eligibility from another department's list, the employee/candidate must be reachable on both lists to effect the transfer (if all other factors regarding transfer of list eligibility are in compliance). The employee/candidate would have dual eligibility and only be removed once appointed for s/he could request inactivity on the lower score (not recommended). Additionally, the testing period must be reviewed to determine that the employee/candidate has not taken the examination within the testing period (6, 12, 24, etc. months).

However, the DGS shall be very cautious when allowing the transfer of eligibility of an employee/candidate score, creating dual eligibility, as this may indicate that the employee/candidate is not that qualified for the DGS position just because s/he received a higher score at another department for his/her position.

5. if the employee/candidate is not reachable on one or the other list, the employee/candidate cannot transfer list eligibility.

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Transfer of List Eligibility (TOE), Continued

Definitions

Same Classification

Classifications are considered to be the same whenever the titles are identical or when the titles differ only by an additional hyphenated or parenthetical portion designating a characteristic, which does not impact the general subject matter covered in the examination. Some examples are listed below:

1. Cook I and Cook I (Correctional Facility)
2. A classification series concept comprised of various specialty fields and a general core classification such as Research Analyst I (Economics), (Demography), (Social/Behavioral), and (General). List eligibility may be transferred from a parenthetical specialty to a general core classification but it is **not** permissible to transfer eligibility from the general classification to a specialty classification. Similarly, eligibility may **not** be transferred from one specialty to another.
3. Split-classification concept for supervisor and specialist classifications such as Accountant I (Supervisor) and Accountant I (Specialist) are not considered to be the same classification.

Same Examination

Examinations for the same classification given at different times or in different departments are considered to be the same examination.

Similar Examination

Examinations are considered **similar** if the subject matter of the examinations is similar in scope and complexity. Two examinations may still be considered similar even though they may have differed with regard to the testing method or tools utilized.

An interview-only and a written test may be similar if the same general subject matter was covered. When testing methods differ in a transfer request, each case should be evaluated on the basis of whether the same general subject matter was covered by the two methods. A copy of each examination announcement **shall** be reviewed by the Selections Unit Analyst to determine similarity and complexity. The C&P Analyst shall obtain the examination bulletin from the other department and provide it to the Selections Analyst for review.

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Transfer of List Eligibility (TOE), Continued

Definitions (continued)

However, an education and experience (E&E) examination is **not** considered similar and is **not** transferable except to other E&E lists.

Note: Transfer of eligibility **to** an E&E list from a list resulting from another examination plan/method is permitted. (Reference Selection Manual Section 5210 [old]).

List in Existence

A list shall be deemed to exist if the person's original list eligibility is valid and the DGS accepts the transfer of list eligibility. (The DGS must have an eligibility list even though it contains no names.)

DGS Concurrence

DGS approval is required for any transfer of promotional list eligibility and for any open list, which is maintained by the DGS. The DGS may approve the request if the necessary requirements are met and there are no applicable restrictions. However, no department is ever required to approve a request which is otherwise permissible. The DGS discretion is necessary due to the variety of hiring needs that occur among different departments and classifications.

In addition to the definitions listed above, and as a result of the expanded concept of transfer of eligibility between similar examinations, there are a number of other factors which may differ when a request is being reviewed for approval. These additional situations are listed below as guidelines in determining whether transfer of list eligibility is appropriate:

Examination Maintenance Factors

When lists differ because one is a "dated" list and the other is a "merged" list, the life of one list is not the same length of time as the other. If the examination administration dates are not the same, transfer of list eligibility is still permissible. However, transfer of list eligibility **shall not** extend a person's eligibility for more than four years from the adoption of the original list that created the eligibility. An appointment made, as a result of eligibility list transfer, **shall not** predate the date of the original list eligibility.

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Transfer of List Eligibility (TOE), Continued

Definitions (continued)

Scoring Method

Eligibility may still be transferred when scoring methods differ between the two lists, e.g., one list was scored according to limited ranks and the other list utilized full range of scores. When eligibility is transferred between employment lists with different scoring methods, the person's rating **shall** be converted to comply with the scoring method of the list to which eligibility is being transferred. Additional ranks or inappropriate scores **shall not** be created by a transfer of eligibility.

Examination Base

Eligibility may be transferred from one type of open list to another, i.e., open to open non-promotional, service-wide open to departmental open. Eligibility may be transferred from one type of promotional list to another. Promotional lists include sub-divisional promotional lists, multi-departmental promotional lists, and service-wide promotional lists. However, transfer of list eligibility between promotional lists and open lists is prohibited.

DGS considerations when granting/denying a request for eligibility transfer

The items listed below are factors the DGS takes into consideration when granting or denying a request for eligibility transfer:

- An offer of employment in the list classification has been made to the eligible
 - The eligible either anticipates or has experienced a geographical change of residence
 - The eligible recently has been appointed to a particular classification by the DGS and has employment list eligibility in other classifications which the DGS uses
 - A relatively new employee has completed a probationary period with the DGS and has eligibility on other lists
 - Special hiring needs exist that pertain to a specific list classification
 - There are general hiring needs requiring equal employment considerations
 - There is a possibility that the transfer would have an adverse impact on the existing eligibles on a promotional list
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Transfer of List Eligibility (TOE), Continued

DGS considerations when granting/denying a request for eligibility transfer (continued)

- The necessary requirements and restrictions as previously outlined permit or prohibit such a transaction
- **The employee understands that s/he can only transfer list eligibility once; once eligibility is transferred the employee is “forever” on DGS’ list(s)**

List contains 0 to 2 names or ranks

The transfer to a list containing from zero to two names or ranks must not constitute circumvention of another established list or unduly deprive other qualified employees from an opportunity to compete. Factors which should be considered include the following:

- 1) What is the length of time needed to generate an eligible list?
- 2) What is the number of vacancies likely to occur in the future?
- 3) For DGS promotional examinations, how competitive would the DGS candidates be? For example, do they meet some seldom used open pattern where individuals generally do not succeed in the examination?
- 4) Does the transferee have a score that would make him/her reachable on the potential new DGS list?
- 5) Is there an urgency connected to the filling of the position?

Instances where requests for such transfers generally would be inappropriate and should be denied include:

A proposed transfer of promotional list eligibility from one department to the DGS where the DGS does not have names on a list but has a number of potential competitors who have not been given the opportunity to compete for a particular classification. Permission to transfer list eligibility in such a case deprives those DGS employees of an opportunity to compete for promotion.

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Transfer of List Eligibility (TOE), Continued

List contains 0 to 2 names or ranks (continued)

A proposed transfer of eligibility from a departmental open list on which the individual is not reachable. Generally speaking, another open list should be used as an appropriate list, rather than permitting the transfer of eligibility to create a list. Without this requirement, the right of individuals who have already competed in another open examination may be jeopardized.

The two examples described above identify circumstances which may be in violation of the merit principles. There may be other cases where no merit principles are violated. For instance, there is the case where a department had no competitors eligible to take an examination or where the competitors recently had been given the opportunity to compete but failed the examination. In such cases, the transfer of list eligibility of an individual from another departmental promotional list may be permitted, since it does not unduly deprive employees of their opportunity to compete.

Procedures

The following table depicts the steps and actions required to transfer list eligibility.

Step	Action
1	Requests to transfer eligibility from one employment list to the DGS list are initiated by the employee and Personnel Liaison (PL) via the GS 29 form
2	Requests must be reviewed and documented by the C&P Analyst to determine transfer eligibility based on TOE policy and forwarded to the Selections Unit Manager to determine examination compatibility
3	Selections Unit Manager obtains both examination announcements and may contact "from" department to determine examination compatibility and approves/denies transfer (turn around time is 24 hours)
4	C&P Analyst, based on review in Step 2 and 3, if approved, completes remainder of TOE and obtains Personnel Manager's signature; if denied, notifies the employee and PL the reasons for denial
5	If approved, C&P Analyst provides TOE to: <ul style="list-style-type: none">• Certification Unit for processing (original)• "From" department (copy for information only)• hired employee (copy)

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Transfer of List Eligibility (TOE), Continued

Limited term transfer status	The SPB Rule 281 provides that no time served in a limited-term appointment may be used to complete probation or to otherwise qualify for permanent or probationary status. Limited-term appointees do not serve probationary periods. Employees who have previously served in a permanent or probationary appointment do not enhance his/her permanent/probationary status or rights (for example, to transfer or reinstatement) through service under a limited-term appointment. This fact should be carefully explained to persons considering accepting a limited-term appointment.
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Attachment	<u>Transfer of List Eligibility Request (GS29)</u>
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